

ORDINANCE NO. 2095

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS REPEALING CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.18 SWIMMING POOL AND SPA CODE, OF THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, AND ALL ORDINANCES, OR AMENDMENTS THERETO, THAT CONFLICT WITH THE TERMS OR CONDITIONS OF THIS ORDINANCE AND ENACTING IN LIEU THEREOF A NEW CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.18 SWIMMING POOL AND SPA CODE ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE 2021 EDITION FOR REGULATING THE CONSTRUCTION, ALTERATION, REMOVAL, DEMOLITION, USE, OCCUPANCY, LOCATION, AND MAINTENANCE OF SWIMMING POOLS AND SPAS IN THE TOWN OF HIGHLAND PARK, TEXAS, SUBJECT TO CERTAIN AMENDMENTS CONTAINED HEREIN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 214.103 et seq. of the Texas Local Government Code adopts the International Swimming Pool Code and authorizes municipalities to make amendments to that code;

WHEREAS, all constitutional, statutory, and legal prerequisites for the passage of this Ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the Town is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State of Texas; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the public to adopt this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.18 SWIMMING POOLL AND SPA CODE, is hereby created.

SECTION 2. That, a new CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.18 SWIMMING POOL AND SPA CODE, of the Code of Ordinances of the Town of Highland Park is hereby adopted and shall read as follows:

Sec. 3.18.001 Title

This article shall be known as the Town swimming pool and spa code and may be cited as such, and will be referred to in this article as "the swimming pool and spa code."

Sec. 3.18.002 Adopted

The International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, shall be, and the same are hereby made, a part of this article by reference, the same as if copied herein

and made a part hereof, and copies of said International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, shall be kept on file in the office of the Building Inspector.

Sec. 3.18.003 Requirements varying from or not covered by code

Any requirement considered necessary for the safety, strength or stability of an existing or proposed swimming pool or spa, or for the safety or health of the occupants thereof, which varies from provisions of the International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, or which is not specifically covered by the International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, shall be determined by the Building Inspector subject to appeal to the Town Council.

Sec. 3.18.004 References in code

The International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, hereby is amended as follows:

- (1) Throughout the International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, wherever the term "Building Official" is used, there may be substituted therefore the term "Building Inspector."
- (2) Throughout the International Swimming Pool and Spa Code, 2021 edition, and all amendments thereto, wherever the term "Board of Appeals" is used, there shall be substituted therefore the term "Town Council."

Sec. 3.18.005 Amendments

The following deletions, additions, and amendments to the International Swimming Pool and Spa Code contained herein are hereby approved and adopted:

Section 102.9; Change to read as follows:

Section 102.9 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); *Standards for Public Pools and Spas*; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two-family dwellings or townhouses).
2. *Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS)*, TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with *2012 TAS, Section 242*. (TAS rules do not apply to pools serving one- and two-family dwellings or townhouses).

Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

Section 113.4 Violation penalties; *Changed to read as follows:*

113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code may be punishable for each day of the violation set forth by the *authority having jurisdiction*. 5

Section 305; Change to read as follows:

305 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. In only one- and two-family dwellings and townhouses, where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.

Add subsection 305.2.7.1; to read as follows:

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after January 1, 1994.

Section 305.4 structure wall as a barrier; Changes as follows:

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure of a one- and two-family dwelling or townhouse or its accessory structure serves as part of a barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. Remainder Unchanged
2. Remainder Unchanged
3. Remainder Unchanged
4. Remainder unchanged
5. Remainder unchanged
6. Remainder unchanged

Section 305.6; Change to read as follows:

305.6 Natural barriers used in a one- and two-family dwelling or townhouse. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.

Section 307.1.4 Accessibility; Add exception to Section to 307.1.4 as follows:

Exception: Components of projects regulated by and registered with Architectural Barriers Division of

Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

Section 307.2.2.2; add to read as follows:

Section 307.2.2.2. Adjacency to Structural Foundation. Depth of the swimming pool and spa shall maintain a ratio of 1:1 from the nearest building foundation or footing of a retaining wall.

Exception: A sealed engineered design drawing of the proposed new structure shall be submitted for approval.

Section 310; Change to read as follows:

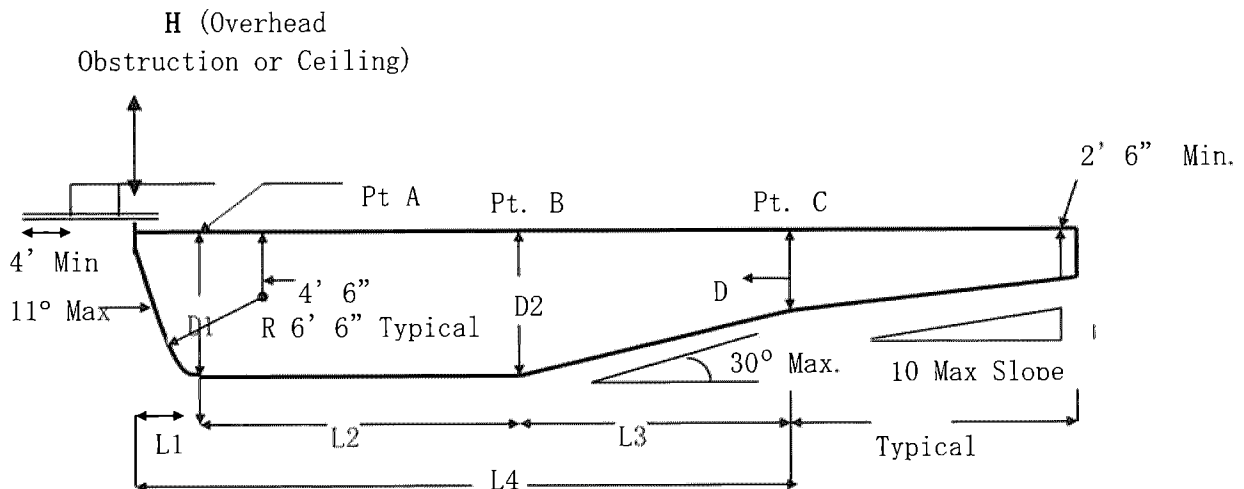
310.1 General. Suction entrapment avoidance for pools and spas shall be provided in accordance with APSP 7 (ANSI/PHTA/ICC 7) or for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190. [Remainder unchanged]

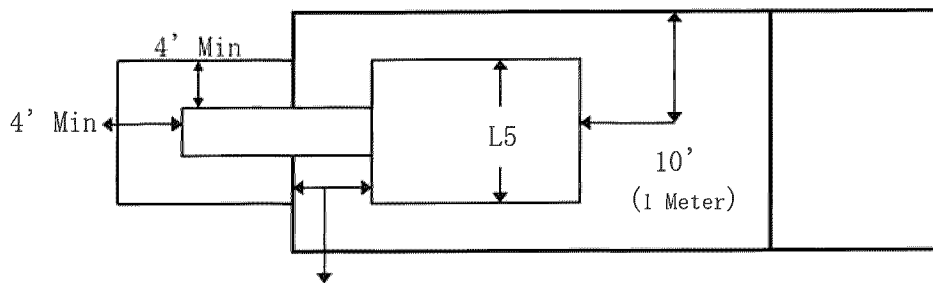
Section 402.12; Change to read as follows:

402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Texas department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256.186 (e) (6). (Delete Table 402.12 and Figure 402.12)

ADD: Figure: 25 TAC §265.186 (e) (6)

Maximum Diving Board Height Over Water	¼ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plumbet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plumbet to Adjacent Plumbet	10 ft.	10 ft.	10 ft.





Section 411.2.1 & 411.2.2; Change to read as follows:

411.2.1 Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches.

411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero

Section 411.5.1 & 411.5.2; Change to read as follows:

411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. The leading edge shall be visibly set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.

411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. Unchanged
2. Unchanged
3. Unchanged
4. Unchanged
5. The leading edge shall be visually set apart and provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. Unchanged
7. Unchanged

Section 610.5.1; Change to read:

610.5.1 Uniform height of 10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.

Section 804 Diving Water Envelopes; Change to read as follows:

Section 804.1 General. The minimum diving water envelopes shall be in accordance with Table 804.1 and Figure 804.1, or the manufacturer's specifications, whichever is greater. Negative construction

tolerances shall not be applied to the dimensions of the minimum diving water envelopes given in Table 804.1.

Sec. 3.18.006 Appendices not adopted

The following appendices in the International Swimming Pool and Spa Code, 2021 edition, are hereby deleted as follows:

1. Appendix "A," Board of Appeals.

Sec. 3.18.007 Compliance

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, remove, demolish, convert, equip, use, occupy, or maintain any building or structure in the Town contrary to or in violation of any provisions of the residential code, or to cause, permit, or suffer the same to be done. The penalty for violation of this Code is as set out in the Highland Park Code of Ordinances section 1.01.009

Sec. 3.18.008 Swimming Pool and Spa permit required

A swimming pool and/or spa permit *is* required as provided in section 3.02.010.

Sec. 3.18.009 Registration of swimming pool and spa contractors

Registration of general contractors is required as provided in section 3.02.012.

SECTION 3. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid and the same shall not affect the validity of the Code of Ordinances of the Town of Highland Park as a whole.


SECTION 4. That, the penalty provision of Chapter 1, Section 1.01.009 of The Code of Ordinances is hereby adopted for this ordinance.

SECTION 5. That, this ordinance shall be deemed to be incorporated into The Code of Ordinances of the Town of Highland Park, Texas.

SECTION 6. That, this ordinance shall become effective January 1, 2022. Permits obtained from this date forward shall adhere to the establish requirements.

PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this the 7th day of December, 2021.

APPROVED AS TO FORM:

Handwritten signature of Matthew Boyle in black ink, consisting of stylized initials 'MAB'.


Matthew Boyle
Town Attorney

APPROVED:

Handwritten signature of Margo Goodwin in black ink, written in a cursive style.

Margo Goodwin
Mayor

ATTEST:

Handwritten signature of Joanna Mekeal in black ink, written in a cursive style.

Joanna Mekeal
Town Secretary